

REMARKS

The Office Action mailed September 22, 2009, considered and rejected claims 1, 5-7, 9-14, 18, and 22-26. Claims 1, 9-11, 13, 14, 18 and 22-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Mohsenin* et al. (U.S. Publ. No. 2005/0075895), in view of *Bucher* (U.S. Patent No. 6,928,476), and *Chernick* (U.S. Patent No. 5,848,234). Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Mohsenin*, in view of *Bucher* and *Chernick*, and further in view of *Snyder* et al. (U.S. Patent No. 5,564,109). Claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Mohsenin* in view of *Bucher* and *Chernick*, and further in view of *Harrow* et al. (U.S. Publ. No. 2003/0009586). Claims 6 and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Mohsenin* in view of *Bucher*, in view of *Snyder*, in view of *Chernick*, and further in view of *Domenikos* et al. (U.S. Patent No. 5,838,916).¹ Claim 14 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Mohsenin* in view of *Bucher*, in view of *Chernick*, and further in view of *Koodli*, (U.S. Patent No. 6,571,095).

Traversal of the Obviousness Rejections

Although the independent claims have been amended, the aspect covered by the new limitations appeared previously in claim 14. This aspect of selecting the user storage device based on it being accessible via a direct point-to-point link was added to claim 14 in Amendment C by the limitation: "wherein the selection is based on the connection route to the available user storage device, wherein the connection route comprises one of a point-to-point route, or a indirect route that uses an intermediate proxy server." However, this limitation was not addressed by the examiner in either the current or the previous office actions. The examiner's rejections of claim 14 only address the limitation as "selecting, from the list, an available user storage device on which to store the new data object" which is how the limitation appeared before the amendments were made in Amendment C.

In the current response, this limitation in claim 14 has been further modified to clearly state that the selection of the user storage device is made because it is accessible via a direct point-to-point link rather than via an intermediary proxy server. This aspect is disclosed in the

¹ Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

specification at the bottom of page 11. Both claims 1 and 18 have been amended similarly. None of the current references address anything similar to this aspect. In particular, these references fail to teach or suggest the limitations of:

establishing a communication session with an online connection service and communicating with the online connection service to obtain a list of available user storage devices associated with the data acquisition device wherein the list includes a network address for each available user storage device on the list, as well as a communication protocol that the data acquisition device must use to communicate with each available user storage device, and wherein one of the available user storage devices is accessible via a direct point-to-point link whereas the other available user storage devices are accessible via an intermediate proxy server;

selecting, from the list, an available user storage device on which to store the new data object based on the selected user storage device being accessible via a direct point-to-point link rather than via an intermediate proxy server;

establishing a communication session with the selected user storage device using the network address corresponding to the selected user storage device via a direct point-to-point link;

as claimed in combination with the remaining limitations of the independent claims. Applicant, therefore, respectfully requests that the current rejections be withdrawn.

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at (801) 533-9800.

Dated this 19th day of January, 2010.

Respectfully submitted,

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